

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
MICHAEL P. STRAUB  
STRAUB & POKOTYLO  
620 TINTON AVENUE  
BLDG. B, 2ND, FLOOR  
TINTON FALLS, NJ 07724-3260

**PCT**

REC'D 30 JAN 2006

WIPO

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference <b>FL-82PCT</b>		Date of mailing (day/month/year) <b>26 JAN 2006</b>
		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. <b>PCT/US04/21411</b>	International filing date (day/month/year) <b>02 July 2004 (02.07.2004)</b>	Priority date (day/month/year) <b>08 July 2003 (08.07.2003)</b>
International Patent Classification (IPC) or both national classification and IPC <b>IPC(7): H04B 7/204 and US Cl.: 370/319</b>		
Applicant <b>FLARION TECHNOLOGIES, INC.</b>		

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion  10 January 2006 (10.01.2006)	Authorized officer Brenda Pham Telephone No. (703) 308-1782
--	---	---

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/21411

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/21411

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)

Claims NONE YES

Claims 1-23 NO

Inventive step (IS)

Claims NONE YES

Claims 1-23 NO

Industrial applicability (IA)

Claims 1-23 YES

Claims NONE NO

2. Citations and explanations:

Claims 1-23 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest in combination a plurality of M separate subcarrier signals paths operating in parallel, each of the M subcarrier signal paths including a programmable signal generator coupled to said frequency control circuit, a power amplification circuit and a filter circuit, said programmable signal generator for generating a subcarrier signal having a subcarrier frequency corresponding to said subcarrier signal path to which said signal generator corresponds; and a combining circuit for combining analog subcarrier signals corresponding to different subcarrier signal paths prior to transmission. .